

# United States Bankruptcy Court

For the NORTHERN District of IOWA

IN RE: BRAD McCREARY and  
MICHELLE McCREARY, Debtors.

Chapter 7

Case No. 92-52240XS

DEAN C. WYATT,  
v.

Plaintiff

MICHELLE McCREARY,

Defendant

Adversary Proceeding No. 92-5274XS

## JUDGMENT

☐ This proceeding having come on for trial or hearing before the court, the Honorable  
**WILLIAM L. EDMONDS**, United States Bankruptcy Judge, presiding, and  
the issues having been duly tried or heard and a decision having been rendered.

[OR]

☒ The issues of this proceeding having been duly considered by the Honorable  
**WILLIAM L. EDMONDS**, United States Bankruptcy Judge, and a decision  
having been reached without trial or hearing, upon the stipulation of the parties,

### IT IS ORDERED AND ADJUDGED:

that the plaintiff, Dean C. Wyatt, shall recover from defendant, Michelle McCreary, the sum of \$8,608.00 with interest from June 1, 1992 at the rate of 10 per cent per annum. This judgment is excepted from debtors' discharge pursuant to the provisions of 11 U.S.C. § 523(a)(4). Costs are taxed against the defendant.

IT IS FURTHER ORDERED AND ADJUDGED that payment of judgment shall be governed by the terms of the stipulation entered into between the parties and filed with the court on February 9, 1993, a copy of which is attached hereto.

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copies mailed with order  
on 2/17/93, *JS*

**BARBARA A. EVERLY**  
Clerk of Bankruptcy Court

[Seal of the U.S. Bankruptcy Court]

Date of issuance: 2-17-93

By: *Garrie Slagle*  
Deputy Clerk

U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

FEB 17 1993

BARBARA A. ENTLEY, CLERK

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE: : CASE NO 92-52240XS  
Brad McCreary and :  
Michelle McCreary :  
Debtors. : ADVERSARY NO. 92-5274XS  
:

Dean C. Wyatt,  
Plaintiff,

vs.

Michelle McCreary,  
Defendant,

order for  
JUDGMENT

AND NOW this 15<sup>th</sup> day of February, 1993, the stipulation of the parties dated the 31 day of JANUARY, 1993, comes before the court. The court finds that completed service has been had upon the defendant and that it has subject matter jurisdiction of the parties and subject matter herein.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Stipulation entered into by and between the parties dated the 31 day of JANUARY, 1993, be and is hereby approved and ~~made a~~ <sup>judgment</sup> ~~part hereof as if set forth in full herein.~~ <sup>shall only accordingly.</sup>

Bankruptcy Judge

Order prepared by Jeffrey L. Poulson

Approved

Jeffrey L. Poulson  
484-58-7487

Glenn A. Metcalf  
WO-0008978

I certify that on 2/17/93 I mailed a copy of this order <sup>and judgment</sup> by U.S. mail to: Jeffrey Poulson, Glenn A. Metcalf and U. S. Trustee. *JS*

U.S. BANKRUPTCY COURT & C.  
NORTHERN DISTRICT OF IOWA

FEB 09 1993

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF IOWA

IN RE:	:	CASE NO 92-52240XS
Brad McCreary and	:	
Michelle McCreary	:	
Debtors.	:	ADVERSARY NO. <u>92-5274XS</u>
<hr/>		
Dean C. Wyatt,	:	
Plaintiff,	:	
vs.	:	
Michelle McCreary,	:	
Defendant,	:	STIPULATION

COME NOW the parties hereto and hereby stipulate to the entry of a judgment and decree providing as follows:

1. Judgment shall be entered against Michelle McCreary, the defendant herein in the sum of \$8,608.00 with interest from June 1, 1992, at the rate of ten percent. Said judgment shall be payable in installments with an installment of \$100.00 being due at the execution of this stipulation and in additional installments of \$200.00 per month due beginning February 1, 1993, and due on or before the first day of each month thereafter until paid in full, installments shall be applied first to accrued interest and then to principal. So long as defendant is current on said payments, and unless she has failed to cure any default after forty-five days written notice (notice shall be considered as complete the date it

is mailed by first class mail to the defendants last known mailing address) plaintiff shall not be entitled to the issuance of a writ of execution. Upon receipt of an affidavit setting forth facts sufficient to shown the issuance of notice of default and the failure to cure said default, the unpaid balance, in such amount as is shown by the affidavit shall become due and payable in full and the plaintiff shall be entitled to all remedies available under the applicable law for the collection of judgments.

2. This judgment is nondischargeable and is hereby excepted from discharge pursuant to the provisions of 11 U.S.C. 523 (a)(4).

3. Judgment is hereby rendered against the defendant for the costs of this action.

DATED this 31 day of January, 1993.

Dean C. Wyatt DM

Dean C. Wyatt, Plaintiff

Michelle McCreary

Michelle McCreary. Defendant

CORBETT, ANDERSON, CORBETT, POULSON, METCALF, THOMPSON & PHIPPS  
FLOM & VELLINGA

By:

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WO-0008978

Copy handed to  
filing attorney  
on date 1/28/93